

United States District Court

DISTRICT OF OREGON

UNITED STATES OF AMERICA

FILED '07 JAN 12 11:04 USDC-ORE

v.

CRIMINAL COMPLAINT

ELIA NEWTON PENDERGRASS

CASE NUMBER: 07-2002m

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 8, 2007 in Lane County, in the District of Oregon defendant Elia Newton Pendergrass did, (Track Statutory Language of Offense)

by force, violence, and intimidation unlawfully, knowingly and willfully take from the person and presence of an employee of the Siuslaw Valley Bank, 10756 Highway 126, Mapleton, Oregon, a sum of money to wit; approximately \$1,647.00 in U.S. currency, which money was then and there in the care, custody, control, management, and possession of said bank, whose deposits were then and there insured by the Federal Deposit Insurance Corporation (FDIC)

in violation of Title 18 United States Code, Section(s) 2113(a).

I further state that I am a Special Agent of the FBI and that this complaint is based on the following facts:
Official Title

See Attached Affidavit.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Date

1/12/07

at

Eugene, Oregon

City and State

THOMAS M. COFFIN, U.S. Magistrate Judge
 Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

James M. Brown
 Special Agent
 Federal Bureau of Investigation

STATE OF OREGON)
) ss.
COUNTY OF LANE)

AFFIDAVIT

I, James M. Brown, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since May 2001. I am currently assigned to the Portland Division, Eugene Resident Agency. As a Special Agent with the FBI I have investigated numerous matters involving Bank Robbery.

2. In connection with my official duties, I learned that a robbery of the Siuslaw Valley Bank located at 10756 Highway 126, Mapleton, Oregon was robbed on January 8, 2007, at approximately 11:00 am. This robbery was committed by a white male that was known to the victim teller and other bank employees as Elia Pendergrass.

3. The basis of my knowledge is by information that has been provided to me by oral accounts and in documentation produced by both FBI agents and Lane County Sheriff's Office (LCSO) Law enforcement officers.

4. The victim teller, Anne Hendrickson, advised LSCO Det. Kurt Jahnke that she was working at the Siuslaw Valley Bank at the time of the robbery on January 8, 2007. She was at her position when Elia Pendergrass entered the bank. He walked up to the counter and told her that he needed some money. Hendrickson provided Pendergrass with a withdrawal slip to begin the transaction when Pendergrass informed her that he did not have an open account. She then said, "You're kidding right?" and Pendergrass said, "No, I guess I'm robbing you." Pendergrass produced a yellow plastic bag from his clothing and handed it to Hendrickson.

5. Hendrickson advised that she was familiar with Pendergrass' past and knew him to be

a volatile and violent person. Hendrickson stated that she feared Pendergrass would cause her serious injury if she did not comply.

6. Katherine West, the manager of the bank, advised that she has known Pendergrass for a long time, both as a former account holder at the bank and as a long-time Mapleton, Oregon resident. West overheard Pendergrass say to the victim teller words to the effect of, "You know who I am. I'm Elia."

7. West advised that the bank was federally insured by the FDIC. She provided the FDIC number as 19006. West further advised that Pendergrass obtained \$1,647.00 of United States Currency from the bank.

8. Peggy Simington, another teller at the bank, observed and talked to the male she knows as Elia Pendergrass while he was at the victim teller's station. Simington did not realize that a robbery was taking place but is aware that no one else was at Hendrickson's station after Pendergrass left the bank and Hendrickson alerted the employees of the robbery.

9. Stephanie Burnett, a bank customer and a person who knows Elia Pendergrass as a violent person who uses illegal drugs, was also at the bank at the time the robbery occurred. Burnett advised she observed Pendergrass at the bank talking to Peggy Simington. Burnett further observed Pendergrass produce a yellow plastic bag from his clothing but thought nothing of it.

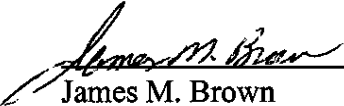
10. On January 10, 2007, Pendergrass was interviewed by Carl Wilkerson of the Lane County Sheriff's Office in Eugene, Oregon. Prior to the interview, Pendergrass was advised of his Miranda Rights and he signed the document waiving these rights. During this interview, Pendergrass admitted to robbing the Siuslaw Valley Bank. According to Deputy Detective Wilkerson, Pendergrass' confession was consistent with the known facts of the robbery.

The following facts regarding the robbery were provided by Pendergrass:

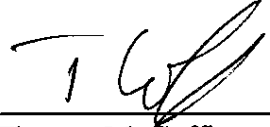
- a. Pendergrass admitted that he robbed the Siuslaw Valley Bank in Mapleton, Oregon.
- b. Pendergrass estimated that he obtained approximately \$2,000 from the bank.
- c. Pendergrass admitted that he possessed three firearms in the vehicle he utilized as his get away vehicle. He described the weapons as a .22 caliber rifle, an SKS type assault rifle and a nickle plated pump action shotgun.
- d. Pendergrass admitted that he spent the majority of the money on gasoline, tobacco, alcohol and methamphetamine.
- e. Pendergrass admitted that he was intoxicated at the time of the robbery.

11. A review of Pendergrass' criminal history report indicates that he has three misdemeanor convictions for Assault 4th Degree, Menacing, and Animal Abuse in the 1st Degree. He also has arrests for contempt of court and manufacturing/delivering controlled substances.

12. I have discussed this matter with Assistant United States Attorney John Ray and based upon the above information, he and I believe that there is probable cause to believe and do believe that Elia Newton Pendergrass robbed a federally insured bank in Violation of Title 18, United States Code, Section 2113(a).


James M. Brown
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence this 12 day of January 2007.


Thomas M. Coffin
United States Magistrate
District of Oregon